IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH.

C.W.P. No. 9111 of 2005

Date of Decision: October 27, 2006

Vijay Singh

…..Petitioner

Vs.

State of Haryana and others

…..Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR.

HON'BLE MR. JUSTICE M.M.S. BEDI.

Present:- Ms. Abha Rathore, Advocate
for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana,
for the respondents.

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M.M. KUMAR, J. (ORAL)

The petitioner initially claimed two reliefs; firstly that he should be regularized on a post of Electrician Grade 'C' with all consequential benefits w.e.f. January 31, 1996. However, the aforementioned relief has been declined by our order dated May 11,2006, which reads as under:-

> "Learned counsel for the petitioner has not pressed the prayer for regularization of the petitioner on a Grade-C in view of the judgment of the Hon'ble Supreme Court in the case of **Secretary, State of Karnataka & others v. Umadevi and others**, (2006) 4 SCC 1. However, it has been argued on the basis of the averments made in sub-paras (a) and (e) of para 14 that the petitioner has been working as Electrician Grade-C whereas after regularization of his services as Electrician Grade-D with effect from 6.8.2002, he is still being paid for the post in Grade-D, whereas he has been working as Electrician in Grade-C. Faced with this situation, learned State counsel requests some time to seek instructions and to file a specific affidavit with regard to the duties of the petitioner.
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> List again on 30.5.2006."

The second relief claimed by the petitioner is that he has been working against Electrician Grade-C post although has been regularized against a Grade D post w.e.f. August 6, 2002. Accordingly, the pay scale of

Grade C post has been claimed. However, there is a serious dispute, as is evident from the affidavit dated May 25, 2006 filed by Mr.V.K. Gupta, Executive Engineer. It has been asserted that the petitioner has never worked on Grade C (Class III) post and as such he is not entitled for any other pay scale then already allowed to him as Grade D post. Therefore, we dismiss the writ petition by allowing the petitioner to avail any other remedy in accordance with law with regard to his claim for the payment of wages of Electrician Grade C post.

(M.M.KUMAR)
JUDGE

October 27, 2006
sanjay

(M.M.S.BEDI)
JUDGE